

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MISSOURI PRIMATE FOUNDATION,)

et al.,)

Plaintiffs and)

Counterclaim Defendants,)

vs.)

Case No. 4:16 CV 2163 CDP

PEOPLE FOR THE ETHICAL)

TREATMENT OF ANIMALS, INC.,)

et. al.,)

Defendants and Counterclaim)

Plaintiffs.)

ORDER

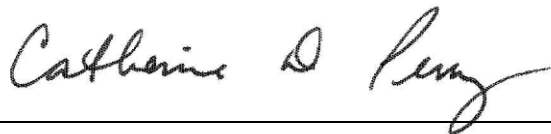
Before the Court is the motion for summary judgment pursuant to Federal Rule of Civil Procedure 56 by Counterclaim Plaintiffs, People for the Ethical Treatment of Animals, Inc. and Angela Scott (together, “Plaintiffs”), against Counterclaim Defendant Andrew Sawyer (“Sawyer”).

Good cause appearing, **IT IS HEREBY ORDERED** that the motion [154] is **GRANTED**, as follows:

1. Summary judgment is hereby entered against Sawyer because there is no genuine dispute that Sawyer has violated and continues to violate the Endangered Species Act and its implementing regulations, by unlawfully taking the chimpanzee Joey (“Joey”), a federally protected animal (16

U.S.C. § 1538(a)(1)(B), (G); 50 C.F.R. §§ 17.11(h), 17.21(c), 17.31(a)), and by continuing to possess Joey who was unlawfully taken (16 U.S.C. § 1538(a)(1)(D); 50 C.F.R. §§ 17.11(h), 17.21(d), 17.31(a));

2. Sawyer's ownership and possessory rights with respect to Joey are hereby terminated and Sawyer is hereby enjoined from violating the ESA in the future; and
3. The Court will not appoint a Special Master, but counsel for PETA and Sawyer must confer to determine if they can reach agreement as to an acceptable accredited sanctuary for the transfer of Joey, consistent with his best interests. If the parties cannot reach an agreement, PETA and Sawyer must separately file alternative statements setting out their proposals for an acceptable accredited sanctuary and, if necessary, the Court will hold an evidentiary hearing to determine an acceptable placement for Joey. Any proposal, whether agreed or separate, must be filed no later than **January 31, 2020.**



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 20th day of November, 2019.